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14
15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18
19 EPIC GAMES, INC.,

20 Plaintiff, Counter-
21 defendant

22 v.

23 APPLE INC.,

24 Defendant,
25 Counterclaimant.

26 Case No. 4:20-cv-05640-YGR-TSH

27
28 **SUPPLEMENTAL DECLARATION OF
RACHEL S. BRASS IN SUPPORT OF
REPLY IN SUPPORT OF MOTION TO
STRIKE WRITTEN AND ORAL
TESTIMONY OF DR. MICHAEL I. CRAGG
REGARDING FOREIGN REGULATORY
SUBMISSIONS OF A NON-PARTY**

I hereby declare as follows:

1. I am an attorney licensed to practice in the State of California, and a member of the Bar of this Court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record for Defendant Apple Inc. (“Apple”) in this case. I have personal knowledge of the facts stated below and, if called as a witness, I could and would testify competently thereto.

2. Pursuant to the parties' schedule for exchanging exhibits to be used at trial, Apple timely objected to Epic's use of PX-1152 and PX-1153 with Dr. Cragg. During the parties' subsequent meet-and-confer, counsel for Epic told me that Epic would seek to have Dr. Cragg rely on PX-1152 and PX-1153 under Federal Rule of Evidence 703. I informed Epic that Apple objected to PX-1152 and PX-1153's use on that basis.

3. Attached hereto as **Exhibit A** is a true and correct copy of a Declaration of Authenticity of Domestic Business Records Pursuant to Federal Rule of Evidence 902(11), 902(13) & 902(14) signed by John Ohle, Spotify's Senior Product Manager – Legal and Internal Audit Systems. Notice and a copy of this declaration was provided to counsel for Epic on May 12, 2021.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on May 18, 2021 at San Francisco, California.

/s/ Rachel S. Brass
Rachel S. Brass